

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

EASTERN DIVISION

No. 05-10849RGS

DOROTHY STANLEY, EXECUTRIX OF THE  
ESTATE OF HELEN A. RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**DEFENDANT WALTER KELLY'S PROPOSED SPECIAL QUESTIONS TO THE JURY**

1. Was Defendant Kelly, at all relevant times, acting pursuant to a valid health care proxy for Helen Runge?

\_\_\_\_\_ Yes \_\_\_\_\_ No

2. Did Defendant Kelly make health care decisions in good faith on Helen Runge's behalf?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered "Yes" to both Question No. 1 and Question No. 2, then do not answer any remaining questions.

If you answered "No" to either Question No. 1 or Question No. 2, then go to Question No. 3.

3. Did Defendant Kelly breach the standard of care of the average qualified elder law attorney?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered "Yes" to Question No. 3, go to Question No. 4.

If you answered "No" to Question No. 3, go to Question No. 5.

4. Was the breach of the standard of care the proximate cause of damage to Helen Runge?

\_\_\_\_\_Yes \_\_\_\_\_No

Go to Question No. 5.

5. Did Defendant Kelly negligently inflict emotional distress upon Helen Runge?

\_\_\_\_\_Yes \_\_\_\_\_No

If you answered "Yes" to Question No. 5, then go on to Question No. 6.

If you answered "No" to Question No. 5, then go on to Question No. 7.

6. Did the Helen Runge suffer physical harm as a result of the negligently inflicted emotional distress?

\_\_\_\_\_Yes \_\_\_\_\_No

Go on to Question No. 7.

7. Did Kelly intentionally or recklessly act in a manner that was beyond all possible bounds of decency and was utterly intolerable in a civilized community and inflict emotional distress upon the Plaintiff that was so severe and of a nature that no reasonable person could be expected to endure it?

\_\_\_\_\_Yes \_\_\_\_\_No

Go on to Question No. 8.

8. Did Defendant Kelly falsely imprison Helen Runge?

\_\_\_\_\_Yes \_\_\_\_\_No

Go on to Question No. 9.

9. Did Defendant Defendant Kelly use legal process for an ulterior or illegitimate purpose?

\_\_\_\_\_Yes \_\_\_\_\_No

If you answered "Yes" to Question No. 9, go on to Question No. 10.

If you answered "No" to Question No. 9, go on to Question No. 11.

10. Did the use of legal process cause damage to Helen Runge?

\_\_\_\_\_Yes \_\_\_\_\_No

go to Question No. 11.

11. If you answered "Yes" to any of Questions No. 4, 6, 7, 8, or 10, then please state the amount of damages sustained by Helen Runge by filling in an amount below.

If you either did not answer or if you answered "No" to Questions No. 4, 6, 7, 8, or 10, then do not fill in an amount below and do not answer the remaining questions.

\$\_\_\_\_\_

Fill in Amount

12. If you filled in an amount in Question No. 11, was Helen Runge comparatively negligent?

\_\_\_\_\_Yes \_\_\_\_\_No

If you answered "Yes" to Question No. 12, then go to Question No. 13.

If you answered "No" to Question No. 12, then do not answer any remaining questions.

13. If you answered "Yes" to Question No. 12, then what percentage of negligence is attributable to Helen Runge?

\_\_\_\_\_%

Write in percentage

Respectfully submitted,  
The Defendant, Walter J. Kelly,  
By his attorneys,

s/ Michele Carlucci

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**CERTIFICATE OF SERVICE**

I, Michele Carlucci, certify that on June 16, 2008 I have served a copy of the foregoing by electronic filing.

/s/ Michele Carlucci  
Michele Carlucci